

VIOLATION ASSESSMENT - EPA REGION 10

Raymond Nye/EPS
NAME AND TITLE OF EVALUATOR

PROGRAM: TSCA (PCB)

FACILITY NAME AND ADDRESS

Allen Logging Company, Inc.
176462 Highway 101
Forks, Washington 98331

DATE OF INSPECTIONS

September 21, 2000

NAME OF INSPECTOR

Eileen Hileman, IEU

COMMENTS

COMPLIANCE HISTORY

There were no previous TSCA PCB inspections at the Allen Logging Company, Inc.'s facility located at Forks, Washington.

ANNUAL DOCUMENT LOGS AND RECORDS

There were no Annual Documents or Annual Document Logs maintained for this facility at the time of the EPA inspection. Since the facility did not have any PCB transformers and less than 50 PCB capacitors, this requirement does not have to be met. The General Manager was aware of this requirement. The General Manager kept a hand written inventory indicating the existence of thirteen GE Pyranol capacitors and provided a September 28, 2000 follow up letter indicating the inclusion of two more PCB capacitors. All totaled, the facility operated with fifteen PCB capacitors. All PCB capacitors were properly labeled and were intact at the time of the inspection.

QUARTERLY INSPECTIONS

	<u>ACTION TAKEN</u>
_____	NO VIOLATION/CLOSURE
_____	NO VIOLATION/ADVISORY
_____	NOTICE OF NONCOMPLIANCE
_____	FED FAC: NOTICE OF SIGNIFICANT NONCOMPLIANCE
<u> X </u>	REF: ADM. CIVIL PENALTY
_____	REF: FED COMPLAINT

There was no records of quarterly inspections since inspection reports are not required since there were no PCB transformers on site. Furthermore, there were no records that PCB waste had been removed for disposal. This does not constitute a violation of 40 CFR § 761.30(a)(1)(ix)

OTHER REGULATORY ASSESSMENT

NOTIFICATION

Allen Logging Company did not notify EPA as a generator with an on-site storage for disposal facility. A generator of PCB waste may not conduct any PCB waste handling activities without first having notified EPA by filing Form 7710-53, and without obtaining an EPA identification number. The company failed to provide notice, therefore, this constitutes a violation of 40 CFR § 761.202 and 205(a)(2).

STORAGE

The inspector went to a building that had been previously used to store PCB capacitors both for reuse and disposal. The building did not contain PCB capacitors at the time of the inspection. The building did not have an impervious floor or curbing to contain PCB materials. The building did not meet the storage requirements under 40 CFR § 761.65(b).

MANIFESTING

There was no documentation regarding the disposal of PCB capacitors. The General Manager (GM) explained how the facility disposed of capacitors and why there were no manifests. The company disposed of PCB capacitors and crank case oil in their wood-waste boiler. The GM did not know how many PCB capacitors were disposed of in the last five years. Previous PCB disposals were not documented nor were records kept as to how many capacitors were disposed of. There were no manifests for any type of hazardous waste or chemical in years past. This is a violation of 40 CFR § 761.180(a)(1)(iii), however, this violation will be combined with the notification violation.

MARKING

The facility stored PCB waste prior to this inspection. The markings of the PCB Storage for Disposal Facility (SFD) as required under 40 CFR § 761.40 did not conform properly with the requirements therein. The SFD building was not marked with with a PCB label at the entrance to the building. While there was no PCB waste at the SFD site, the GM stated that this area had been used for the storage of PCB capacitors in the past. Therefore, the entrance to the building should indicate that PCBs were capable of being stored at the facility. Because all of

the PCB capacitors were properly marked and non-leaking at the time of the inspection, this may have been an over site by the GM. I contend that minor infraction does not constitute a violation of 40 CFR § 761.40.

IMPROPER DISPOSAL

During a conversation with the GM and his follow up January 10, 2002 letter, PCB capacitors were disposed of through incineration in the wood-waste boiler. The company did not keep records of how many PCB capacitors were disposed of through this method or the duration of this practice. There is no basis from records to figure out the inventory incinerated. The January 10, 2002 letter stated that this method of disposal has ceased as of the EPA inspection date. The GM stated that this method of disposal was recommended by WDOE through a compliance inspection. Jack Boller of the RCRA compliance section contacted the WDOE inspector who indicated that this is not a recommended course of action and feels confident that the WDOE inspector did not convey this disposal method to the company. There was no evidence that PCB waste has been transported off site for disposal to an EPA permitted disposal facility. Manifests and certificates of destruction were not provided. These PCB liquids were disposed of in an incinerator not in compliance with 40 CFR § 761.70.

Since dioxin is formed during the combustion process of wood waste, it may be difficult to discern the difference between PCB-contaminated ash and normal ash from the boiler. Further compounding the problem would be the location of the PCB contaminated ash or where it was sent for disposal. Sending an EPA TAT team to the site to sample for PCB-contaminated ash would be like finding a needle in a hay stack. Because we do not know the number of PCB capacitors incinerated nor the PCB concentrations, I contend we can still cite the company for improper disposal under 40 CFR § 761.60(a) based on the admission of the GM. Disposal of PCBs in any other manner constitutes the improper disposal of PCBs.

INCINERATION

While this facility is not subject to the PCB records and monitoring requirements because they have less than 50 PCB capacitors, they are not absolved of the fact that the incineration of PCB materials in the boiler is subject to the PCB requirements pursuant to 40 C.F.R. § 761.70. The company did not submit for approval an application to operate a TSCA permitted incinerator as required by 40 C.F.R. § 761.70. Since the capacitors contained PCB liquids that were not disposed of in an approved incinerator complying with 40 C.F.R. § 761.70, the facility is in violation of 40 C.F.R. § 761.60(e) and 761.70(d).

PENALTY CALCULATION

I Description of Current Alleged Violations

- | | | |
|----|------------|--|
| 1. | Violation: | Failure to Notify & Obtain EPA I.D. # |
| | Level: | Level 1 (Major Manifesting) |
| | Extent: | Minor Extent |
| | Penalty: | \$ 5,500 |
| 2. | Violation: | Improper Storage |
| | Level: | Level 2 (Major Storage) |
| | Extent: | Minor Extent |
| | Penalty: | \$ 3,300 |
| 3. | Violation: | Failure to obtain TSCA Incineration Permit |
| | Level: | Level 1 (Major permitting) |
| | Extent: | Minor Extent |
| | Penalty: | \$ 5,500 |
| 4. | Violation: | Improper Disposal |
| | Level: | Level 1 (Major Disposal) |
| | Extent: | Major Extent |
| | Penalty: | \$ 27,500 |

II INITIAL PENALTY ASSESSMENT:

<u>Violation(s)</u>	<u>Regulation</u>	<u>Requirement</u>	<u>Proposed Penalty</u>
1	40 CFR 761.205(c) & 40 CFR 761.202(b)(1)(i) & (ii)	Failure to Notify & Obtain EPA I.D. #	\$ 5,500
2	40 CFR 761.65(b)	Improper Storage	\$ 3,300
3	40 CFR 761.70(d)	Failure to Obtain TSCA Permit	\$ 5,500
4	40 CFR 761.60(a)	Improper Disposal Incineration	\$ 27,500
Total:			\$ 41,800

(Note: Proposed Penalties are based on the April 9, 1990 PCB Penalty Policy x 1.10 to account for the 10% increase as of January 1997)

RECOMMENDATIONS

Recommend that this case be referred to ORC and that a Complaint be issued to the Allen Logging Company. The total proposed penalty is \$ 41,800.


CASE REVIEWER

1/16/02
DATE


CONCUR

DO NOT CONCUR

1/16/02
DATE

DATE

Family Tree For Allen Logging Co (00-925-6645)

Business Name	D&B D-U-N-S Number	Location Type	Address	City	State / Province	ZIP / Postal Code	Country	Domestic Ultimate D&B D-U-N-S Number	Domestic Ultimate Name	Domestic Ultimate Country
Allen Logging Co	00-925-6645	HEADQUARTERS	176462 Highway 101	Forks	Washington	98331	USA	00-925-6645	Allen Logging Co	USA
Allen Logging Co	02-731-8070	BRANCH	2818 S Cherry St	Port Angeles	Washington	98362	USA	00-925-6645	Allen Logging Co	USA

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Site Information for Allen Logging Co (00-925-6645)

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Business Name:	Allen Logging Co
Tradestyle:	
Second Tradestyle:	
D&B D-U-N-S Number:	00-925-6645
Location Type:	HEADQUARTERS
Primary SIC Code:	24210203
Primary SIC Description:	WOOD CHIPS, PRODUCED AT MILL
Physical Street Address:	176462 Highway 101
Second Address Line:	
Physical City:	Forks
State / Province Name:	Washington
Physical State / Province Abbreviation:	WA
Physical Zip / Postal Code:	98331
County Name:	CLALLAM
Country Name:	USA
Mail Address:	176462 Highway 101
Second Mail Address Line:	
Mail City:	Forks
Mail State / Province:	WA
Mail Zip / Postal Code:	983319475
Telephone Number:	3603746000
Fax Number:	
Employees Here:	60
Employees Total:	65
Sales Volume:	\$9,977,425.00
Percent Growth Employees (3yr) with sign:	0%
Percent Growth Sales (3yr) with sign:	0%
Latitude with sign:	47.8865
Longitude with sign:	-124.3561
Public/Private Indicator:	PRIVATE COMPANY
Square Footage:	1,200
CEO Full Name:	Lloyd J Allen
CEO Title:	President
Global Ultimate D&B D-U-N-S Number:	00-925-6645
Global Ultimate D&B Business Name:	Allen Logging Co
Domestic Ultimate D&B D-U-N-S Number:	00-925-6645
Domestic Ultimate D&B Business Name:	Allen Logging Co
Parent D&B D-U-N-S Number:	00-000-0000
Headquarters D&B D-U-N-S Number:	00-925-6645
Parent/HQ Name:	Allen Logging Co
Parent/HQ State / Province:	WA
Number of Family Members:	2

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Site Information for Allen Logging Co (02-731-8070)

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Business Name:	Allen Logging Co
Tradestyle:	
Second Tradestyle:	
D&B D-U-N-S Number:	02-731-8070
Location Type:	BRANCH
Primary SIC Code:	24110306
Primary SIC Description:	VENEER LOGS
Physical Street Address:	2818 S Cherry St
Second Address Line:	
Physical City:	Port Angeles
State / Province Name:	Washington
Physical State / Province Abbreviation:	WA
Physical Zip / Postal Code:	98362
County Name:	CLALLAM
Country Name:	USA
Mail Address:	2818 S Cherry St
Second Mail Address Line:	
Mail City:	Port Angeles
Mail State / Province:	WA
Mail Zip / Postal Code:	983626969
Telephone Number:	3604577571
Fax Number:	
Employees Here:	4
Employees Total:	0
Sales Volume:	\$0.00
Percent Growth Employees (3yr) with sign:	0%
Percent Growth Sales (3yr) with sign:	0%
Latitude with sign:	48.1008
Longitude with sign:	-123.4511
Public/Private Indicator:	PRIVATE COMPANY
Square Footage:	0
CEO Full Name:	Lloyd Allen
CEO Title:	President
Global Ultimate D&B D-U-N-S Number:	00-925-6645
Global Ultimate D&B Business Name:	Allen Logging Co
Domestic Ultimate D&B D-U-N-S Number:	00-925-6645
Domestic Ultimate D&B Business Name:	Allen Logging Co
Parent D&B D-U-N-S Number:	00-000-0000
Headquarters D&B D-U-N-S Number:	00-925-6645
Parent/HQ Name:	Allen Logging Co
Parent/HQ State / Province:	WA
Number of Family Members:	2

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Contact Details for Allen Logging Co (00-925-6645)

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Full Name	Gender	CEO Indicator	Title	MRC Code
Lloyd J Allen	M	C	President	President
Bertha Allen	F	D	Treasurer	Treasurer
Art Kelm	M	N	Marketing	Marketing
Gerry Lane	B	N	General Manager	General Manager
Lisa Huelsdonk	F	N	Bookkeeper	Bookkeeper

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for Headquarters

Contact Details for Allen Logging Co (02-731-8070)

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Full Name	Gender	CEO Indicator	Title	MRC Code
Lloyd Allen	M	C	President	President

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branch

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NOTE: If the word "non-revenue" appears in the space after Tax Reporting Number, the account is not registered with the Department of Revenue. The business may not be required to register with the Department of Revenue for various reasons. It is or was registered with one or more other agencies in the state.

**Washington State Department of Revenue
State Business Records Database Detail**

TAX REPORTING NUMBER: 054004835
LEGAL ENTITY NUMBER: 054004835
LEGAL ENTITY: ALLEN LOGGING CO
DOING BUSINESS AS:

MAILING ADDRESS:

2818 S CHERRY ST
PORT ANGELES, WA 98362-6969

BUSINESS LOCATION:

2818 S CHERRY ST
PORT ANGELES, WA 98362-6969

OWNER TYPE: CORPORATION
ACCOUNT OPENED: 00/00/0000
ACCOUNT CLOSED: OPEN
STANDARD INDUSTRIAL CODE: 2421

01/14/2002 02:35



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